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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

LORENA ANN SIKES,

Defendant and Appellant.

A125940

(Lake County  
Super. Ct. Nos. CR909192, CR912196)

Defendant appeals from the judgment entered upon her pleas of guilty to various charges, revocation of grants of probation and subsequent sentencing to state prison. On appeal, she alleges that the trial court erred in imposing laboratory analysis and drug program fees as to her conviction of a violation of Health and Safety Code section 11173, subdivision (a) (obtaining a controlled substance, hydrocodone),<sup>1</sup> and in failing to specify the statutory basis for the components of the various penalty assessments contributing to the total fees assessed under sections 11372.5 and 11372.7. Respondent concedes these errors; we accept the concession and remand.

I.  
BACKGROUND

In July of 2006, defendant pleaded guilty to one count of obtaining a controlled substance (§ 11173, subd. (a)) and one count of possession of a controlled substance (§ 11350, subd. (a)) in docket No. CR909192; she was placed on probation and ordered

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<sup>1</sup> All further section references are to the Health and Safety Code unless otherwise noted.

to serve 180 days in county jail. In May of 2007, defendant pleaded guilty in docket No. CR912196, to a charge of possession of a controlled substance in a correctional facility (Penal Code § 4573.6) and admitted a violation of probation in docket No. CR909192. She was placed on probation in the new docket and sentenced to 240 days in county jail; probation was reinstated on the old docket. In July of 2009, defendant admitted probation violations in both dockets; probation was terminated and defendant sentenced to a total of four years, eight months in state prison. This timely appeal followed.<sup>2</sup>

## II. DISCUSSION

As a part of the sentence in docket No. CR909192, the trial court ordered defendant to pay a laboratory analysis fee and drug program fees as to the charge of obtaining a controlled substance in violation of section 11173, subdivision (a), pursuant to sections 11372.5 and 11372.7. This offense is not among those offenses listed in sections 11372.5 and 11372.7, requiring the payment of said fines and fees. As respondent concedes, the trial court erred in ordering payment of the laboratory analysis fee and drug program fee as to this charge in docket No. CR909192.<sup>3</sup>

Defendant also contends that the trial court erred in failing to specify the statutory basis for each component of the penalty assessments contributing to the total fees assessed under sections 11372.5 and 11372.7. (*People v. Taylor* (2004) 118 Cal.App.4th 454, 456-461.) The trial court merely ordered “the appropriate penalty assessment” in conjunction with both the laboratory analysis fee and the drug program fee, and did not specify the appropriate assessments or their statutory basis. Respondent agrees that the matter should be remanded to the trial court for specification of the penalty assessments, as they vary in application from county to county.

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<sup>2</sup> As the facts underlying these convictions are not at issue in this appeal, they will not be set forth here.

<sup>3</sup> As defendant concedes, similar fees and assessments were properly ordered in that docket as to the other charge (a violation of § 11350, subd. (a)).

We accept respondent's concessions as to both issues.

III.  
DISPOSITION

The trial court's order of a laboratory analysis fee, a drug program fee, and associated assessments for defendant's conviction of a violation of section 11173, subdivision (a) in docket No. CR909192 is ordered stricken as improperly imposed. The matter is remanded to the trial court for specification of the penalty assessments and their statutory basis, as attached to the fees properly imposed.

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Sepulveda, J.

We concur:

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Ruvolo, P.J.

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Reardon, J.